

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

This Document Relates to:

IN RE ELECTRONIC BOOKS ANTITRUST  
LITIGATION

No. 11-md-02293 (DLC)  
ECF Case

CLASS ACTION

THE STATE OF TEXAS, et al.,  
  
Plaintiffs,

Civil Action  
No. 12-cv-03394

v.

PENGUIN GROUP (USA) INC., et al.,  
  
Defendants

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF  
APPLE SETTLEMENT AND DISTRIBUTION PLAN**

PLEASE TAKE NOTICE that upon the filing of this Motion and the accompanying Memorandum of Law in Support thereof (and all exhibits submitted therewith), Plaintiffs will move this Court before the Honorable Denise Cote, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, for a Final Judgment:

- 1) Finding that Plaintiffs' Settlement Agreement with Defendant Apple Inc., and Plaintiffs' Consumer Compensation Distribution Plan, are fair, adequate and reasonable in accordance with 15 U.S.C §§ 15 and 15c, Fed. R. Civ. Proc. 23 and due process;
- 2) Finding that notice of the Settlement Agreement was provided by Plaintiffs in compliance with Fed. R. Civ. Proc. 23, due process and all previous Court orders;

- 3) Granting final approval of the Settlement Agreement, which resolves claims of all eligible Consumers who did not exclude themselves from the Settlement Agreement;
- 4) Granting final approval of the Consumer Compensation Distribution Plan and directing Plaintiffs' Counsel to distribute, in accordance with said Distribution Plan, any consumer funds paid pursuant to the Settlement Agreement;
- 5) Certifying Settlement Class for the purposes of this Settlement; and
- 6) Granting final approval for the distribution to Plaintiff States of any payment made pursuant to Section III.A(2) or III.B(2) of the Settlement Agreement.

Plaintiff States (by and through the Liaison States of Texas, Connecticut and Ohio) seek this Final Judgment pursuant to the Clayton Act, 15 U.S.C. §15c (authorizing the State Attorneys General to bring a civil antitrust action for damages, as *parens patriae* on behalf of natural persons residing in such States, and requiring court approval of compromise of such claims) and 15 U.S.C. §26 (authorizing persons, including State Attorneys General, to bring a civil antitrust action for injunctive relief).

Settlement Class (by and through lead counsel for Settlement Class) seek this Final Judgment pursuant to 15 U.S.C. 25 (authorizing persons to bring a civil antitrust action for damages) and Fed. R. Civ. Proc. 23 (authorizing class actions to be brought and settled upon court approval).

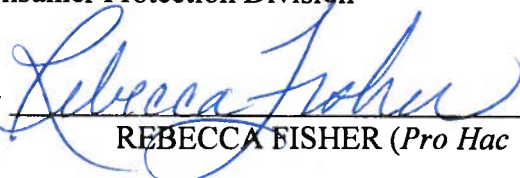
DATED: November 14, 2014

Respectfully submitted,

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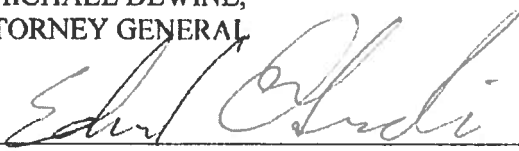
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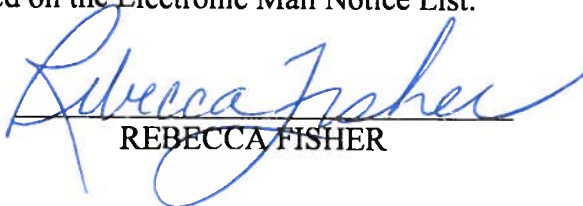
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## **CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

  
REBECCA FISHER